

S. B. 286 was reported favorably with the recommendation that it do pass and be not printed.

S. B. 266 was reported favorably with the recommendation that it do pass and be printed.

After this action by the committee a public hearing was held on S. B. 3.

Senator Collie made the motion that S. B. No. 3 be reported favorably.

Senator Rawlings made a substitute motion that action be deferred on the bill until the next meeting of the committee in order that he might prepare some amendments to the bill.

Question was on the substitute motion. Motion was carried.

Ayes: Hopkins, Rawlings, Small, Davis and Van Zandt.

Nays: Collie, Hill and Houghston.

ELIZABETH PENNINGTON,
Secretary.

Minutes of Committee on Insurance,
Regular Meeting February
28, 1935.

Present: Collie, Hughston, Cotten, DeBerry, Holbrook, Moore, Pace, Rawlings, Sulak, Westerfeld, Woodruff.

Absent: Poage and Shivers (excused).

S. B. No. 272, with adopted committee amendments, was reported out, upon motion of Senator DeBerry, with the recommendation that it do not pass, by the following vote:

Ayes: Hughston, Cotten, DeBerry, Pace, Rawlings, Westerfeld.

Nays: Holbrook, Moore, Sulak, Woodruff.

Senator Pace notified the Chair of his intent to have the bill, as amended, brought before the Senate on a minority report.

The Chair ruled the notice of filing minority report was out of order as Senator Pace had voted for the majority report.

BILL GEORGE, Secretary.

THIRTY-SECOND DAY.

(Continued.)

Senate Chamber,
Austin, Texas,
March 2, 1935.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Walter F. Woodul.

Pending business was engrossment of S. B. No. 170 by Senator Redditt relative to appropriation for the Board of Education.

At Ease.

The Senate stood at ease until 10:25 o'clock.

Joint Session.

The Chair, at 10:30 o'clock announced that the hour had arrived for the joint session of the House and Senate to celebrate Texas Independence Day as provided for in H. C. R. No. 42.

In the House.

In accordance with a resolution heretofore adopted providing for a joint session of the House and Senate at 10:30 o'clock today.

The Senate appeared at the Bar of the House and being admitted were escorted to seats prepared for them along the aisle.

Senators Westerfeld, Hill and Van Zandt, the committee on the part of the Senate, occupied seats on the platform.

The Senate was called to order by Lieutenant Governor Walter F. Woodul.

Senator Van Zandt called the joint session to order.

After the conclusion of the joint session the Senate repaired to the Senate Chamber.

Senate Bill No. 368.

By Senator Hill:

S. B. No. 368, A bill to be entitled "An Act requiring every person, firm, association, corporation, trust or syndicate engaged or hereafter engaged in the drilling, redrilling or deepening of any oil or gas well to file certain indemnity bonds with the Commissioner of Labor Statistics to secure laborers working on such wells; providing for the filing of a larger bond by such person, firm, association, corporation, trust or syndicate under certain conditions; authorizing suit on such bonds under certain circumstances; fixing the duty of the Attorney General in relation thereto; authorizing Commissioner of Labor Statistics to make certain rules and regulations hereunder; fixing penalties, and declaring an emergency."

Read and referred to the Committee on Commerce and Manufacturing.

Consent to Print.

Senator DeBerry asked unanimous consent to have the speeches delivered during the joint session reduced to writing and printed in the Journal Appendix.

Granted.

Adjournment.

On motion of Senator Holbrook the Senate, at 12:10 o'clock p. m., adjourned until Monday at 10 o'clock a. m.

APPENDIX.

Committee Reports.

Committee Room,
Austin, Texas, March 1, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

S. B. No. 238, A bill to be entitled "An Act to amend and amending Article 2968, Revised Civil Statutes of Texas, 1925, as amended by Chapter 26 of the Fifth Called Session of the Forty-first Legislature and to provide for and to require the issuance of certificates of exemption without cost to all qualified voters not subject to the payment of a poll tax and providing the form thereof and the character of record to be made and kept by the tax collector and providing for the cancellation and reissue or indorsement thereof when the voter moves from one county to another and for the reissue in the event of loss of such certificate and to require the entry of names of persons to whom such certificates are issued on the list of legal voters and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and that it be printed.

VAN ZANDT, Chairman.

Committee Amendment No. 1.

Amend S. B. No. 238 by striking out the first paragraph of Article 2968 in the body of the bill and inserting in lieu thereof the following:

Every person who is exempt by law from the payment of a poll tax and who is in other respects, a qualified voter, and every person who will become a qualified voter during the calendar year covered by the certificates of exemption herein provided for, shall in the year 1935 obtain his exemption certificate as hereinafter provided not less than twenty days before the day of the election at which he may offer to vote and such persons shall thereafter before the first day of January of the year in which he expects to offer to vote obtain from the tax assessor and collector of his or her residence a certificate showing his or her exemption from the payment of a poll tax, provided that certificates of exemption heretofore issued in accordance with the present law covering certificates of exemption in cities of ten thousand (10,000) inhabitants or more shall be accepted as issued in compliance with the provisions of this Act, and no such person who fails or refuses to obtain a certificate of exemption as herein provided for shall be allowed to vote.

Committee Amendment No. 2.

Amend S. B. No. 238 in the following particular to-wit:

In each instance in said bill where the term "tax collector" is used, same shall be changed to read "assessor and collector of taxes."

Committee Room,
Austin, Texas, March 1, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We your Committee on Privileges and Elections, to whom was referred

S. B. No. 239, A bill to be entitled "An Act to amend Article 2956, Revised Civil Statutes of 1925, as amended by Chapter 4 of the Acts of the Regular Session of the Forty-third Legislature, relating to absentee voting at elections, to repeal all laws in conflict herewith, to provide penalties for violation hereof, and to declare an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

VAN ZANDT, Chairman.

Committee Amendment.

Amend S. B. No. 239 by striking out everything after the enacting clause and substitute therefor the following:

Section 1. That Article 2956 of the Revised Civil Statutes of 1925, as amended by Chapter 4 of the Acts of the Forty Third Legislature of Texas, passed at its regular session, be, and the same is hereby, amended so as hereafter to read as follows:

Article 2956. Absent Voting.

Subdivision 1. Any qualified elector of this State who through the nature of his business is absent from the County of his residence, or who because of his sickness or physical disability cannot appear at the poll place in the election precinct of his residence, on the day of holding any general or special or primary election, may, nevertheless, cause his vote to be cast at such election in the precinct of his residence by compliance with one or other of the methods hereinafter provided for absent voting.

Subdivision 2. Such elector shall make application for an official ballot to the county clerk in substantially the following form:

Application for ballot to be voted at the _____ election on the _____ day of _____ A. D. 19____.

The State of _____.

County of _____.

I, _____, hereby make application for an official ballot to be voted by me at the _____

(general or special)
election to be held in Election Precinct No. _____ of _____ County, Texas, on _____,

(Date of election)
and I do solemnly swear that I am a resident of said precinct, and have resided in the State of Texas for one year and in said County for six months next preceding such election; that I am a duly qualified elector entitled to vote at said election; and that I am _____,

(Here state business)
and because of the nature of my business expect to be absent from said County (or, because of my sickness or physical disability cannot appear at the polling place in said precinct) on the said day of election.

Date: _____ Signed: _____
Residence: _____ Post-office Address: _____

Sworn to and subscribed before me this _____ day of _____, 19____.

(Official designation).

Such application shall be accompanied by the poll tax receipt or exemption certificate of the elector, or, in lieu thereof, his affidavit in writing that same has been lost or mislaid.

If the ground of application be sickness or physical disability by reason of which the elector cannot appear at the polling place on election day, a certificate of a duly licensed physician certifying as to such sickness or physical disability shall accompany the application.

Subdivision 3. At any time not more than fifteen days, nor less than three days, prior to the date of such election, such elector making his personal appearance before the county clerk of the county of his residence at his office and delivering to such clerk his application and accompanying papers aforesaid, and paying the clerk a fee of twenty-four cents to cover postage, shall be entitled to receive from said clerk one official ballot which has been prepared in accordance with law for use in such election, which ballot shall then and there, in the office of said clerk at the court house of said county, and in the presence of said clerk and of no other person, be marked by the elector, but in such manner that said clerk cannot know how such ballot is marked, and such ballot shall then, in the presence of such clerk, be folded by the elector so as to conceal the marking, and same shall be by the elector, and in the presence of the clerk, deposited in a ballot envelope furnished by said clerk, which envelope shall bear upon the face thereof the name, official title and post-office address of such county clerk, and upon the other side a printed affidavit in substantially the following form:

The State of _____.

County of _____.

I, _____, do solemnly swear that I am a resident of Election Precinct No. _____ in _____ County, Texas,

and lawfully entitled to vote at the election to be held in said precinct on the ____ day of _____ 19____; that I am _____;

(Here state business)

that my duties as such prevent my being in said County (or, that because of my sickness or physical disability I cannot appear at the polling place in said Precinct) on the day of such election; and that I marked the enclosed ballot in secret without assistance from any person and without consulting any memorandum of device indicating how I was to vote.

Sworn to and subscribed before me this ____ day of _____, A. D. 19____. And I hereby certify that the affiant exhibited the enclosed ballot to me unmarked; that he then in my presence and in the presence of no other person, and in such manner that I could not see his vote, marked such ballot and enclosed and sealed the same in this envelope; and that no assistance was given to the affiant in marking such ballot, nor did he mark the same with the aid of any memorandum or device indicating how he was to vote.

To certify which I have hereto set my hand and seal of office on the day and year last above written.

(Official Designation)

Subdivision 4. At any time not more than twenty, nor less than three days prior to the date of such election, such elector making his personal appearance before any officer (other than said county clerk), who is qualified under Article 6602, Revised Civil Statutes of Texas, to take the acknowledgment to an instrument of writing for record within this State, and executing before him the application for ballot provided in subdivision 3 hereof and delivering to him the other papers therein required, together with twenty-four cents to cover postage shall be entitled to have his ballot cast at such election on compliance with the following provisions:

The application and accompanying papers, including twenty-four cents to cover postage, shall be mailed by such officer, postage prepaid, to the county clerk of the elector's residence, whose duty it

shall be forthwith to mail to such officer a blank official ballot and ballot envelope, as prescribed in subdivision 3, which ballot shall be marked by the elector in the presence of such officer and in the presence of no other person, and in such manner that such officer cannot know how the ballot is marked, and such ballot shall then, in the presence of such officer, be folded by the elector, deposited in said envelope, the envelope securely sealed, the endorsement filled out, signed and sworn to by the elector and certified by such officer, and then mailed by said officer, postage prepaid, to the county clerk.

Subdivision 5. If the county clerk or officer who is charged with delivery of the ballot to the elector does not personally know such elector, he shall withhold such ballot unless the elector be identified by written affidavit of two or more reputable persons, which affidavit shall accompany and be returned with the application and other papers.

Subdivision 6. Upon receipt of any such ballot sealed in its ballot envelope duly endorsed, the clerk shall keep the same unopened until the second day prior to such election, and shall then enclose same, together with the elector's application and accompanying papers, in a larger or carrier envelope which shall be securely sealed and endorsed with the name and official title of such clerk, and the words "This envelope contains an absent ballot, and must be opened only at the polls on election day," and the clerk shall forthwith mail same, or deliver it in person, to the presiding judge of election, or to any assistant judge of election, in said precinct.

Any ballots mailed out by the county clerk within the legal time, but not received back by him on or before the third day prior to the election, shall not be voted, but shall remain in the custody of the county clerk during the thirty day period provided in subdivision 7.

Subdivision 7. On the day of such election, and in the presence of the election officers, and the supervisors, if any, one of the judges of election shall, between the hours of 2:00 and 3:00 o'clock open the carrier envelope only, announce the elector's name, and compare the

signature upon the application with the signature upon the affidavit on the ballot envelope. In case the election board find the affidavits duly executed, that the signatures correspond, that the applicant is a duly qualified elector of the precinct, and that he has not voted in person at said election, they shall open the envelope containing the elector's ballot in such manner as not to deface or destroy the affidavit thereon, take out the ballot therein contained without permitting same to be unfolded or examined, and having endorsed the ballot in like manner as other ballots are required to be endorsed, deposit the same in the proper ballot box and enter the elector's name in the poll list the same as if he had been present and voted in person. If the ballot be challenged by any election officer, supervisor, party challenged or other person, the grounds of challenge shall be heard and decided according to law, including the consideration of any affidavits submitted in support of or against such challenge. If the ballot be admitted, the words "Absent voter" shall be set down opposite the elector's name on the poll list. If the ballot be not admitted, there shall be endorsed on the back thereof the word "Rejected," and all rejected ballots shall be enclosed, securely sealed, in an envelope on which the words "Rejected Absentee Ballots" have been written, together with a statement of the precinct and the date of election, signed by the judges and clerks of election and returned in the same manner as provided for the return and preservation of official ballots voted at such election. In all cases the application, poll tax receipt or exemption certificate, ballot envelope and the affidavits and certificates accompanying same shall be returned by the officers of election to the county clerk who shall keep all such papers except poll tax receipts and exemption certificates for one year and shall return poll tax receipts and exemption certificates to the voter at any time after the same have been returned to him except in case of challenge when such poll tax receipts and exemption certificates shall be held for thirty days and as much longer thereafter as any court or reviewing authority may direct.

Subdivision 8. Whenever it shall be made to appear to the officers of election that any elector whose ballot has been marked and forwarded as hereinbefore provided, has since died, then the ballot of such deceased voter shall not be deposited in the ballot box, but shall be returned as in the case of other rejected ballots; provided, however, the casting of the ballot of a deceased voter shall not invalidate the election.

Subdivision 9. The county clerk shall post at a conspicuous place in his office, for public inspection, a complete list of those to whom ballots have been delivered or sent out under this Article, stating thereon the elector's name, age, occupation, precinct of residence and poll tax number or exemption certificate number, and the date on which ballot was delivered or mailed which list shall be kept up from day to day. The applications, poll tax receipts, exemption certificates or affidavits of loss thereof, shall also be open to public inspection at regular office hours, but under such reasonable rules and regulations as the county clerk may adopt to safeguard the same and to reasonably economize his own time while they are in his keeping.

Subdivision 10. Any of the duties by this Article committed to the county clerk may be performed at the county clerk's office by one or more deputies specially designated in writing by the county clerk to act in connection with the election stated in the appointment.

Subdivision 11. The county clerks, their deputies and other officers acting under this Article shall be considered as judges or officers of election within the scope of Articles 215 to 231, inclusive, of the Penal Code of Texas, and all amendments, thereto, and be punishable as in said Articles, respectively, provided in the case of judges or officers of election.

Sec. 2. That all laws and parts of laws in conflict with this Act be, and they are hereby repealed.

Sec. 3. The fact that absent voting in many of the counties of Texas under existing laws has become a public scandal and that such laws are easily capable of evasion and abuse and have permitted the per-

petration of gross frauds upon the electorate, together with the crowded condition of the calendar, creates an emergency and an imperative public necessity requiring that the constitutional rule that bills be read on three several days in each House, be, and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 1, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

S. B. No. 300, A bill to be entitled "An Act to amend Article 3007, Revised Civil Statutes of Texas, 1925, by providing therein that the judges of election shall number any ac-

cepted ballots which may have been challenged; to amend Article 3012, Revised Civil Statutes of Texas, 1925, by omitting therefrom the provision that ballots voted at elections be numbered; and to provide that, except where the right of an elector to vote is challenged as provided for in Article 3007, Revised Civil Statutes of Texas of 1925, as amended, no judge of election or other election officer or clerk shall number or mark any ballot voted or to be voted by an elector so that the same may be identified as the ballot of such elector, and providing a penalty; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

VAN ZANDT, Chairman.

Speeches Delivered in Joint Session, Forty-Fourth Legislature, Satur- day, March 2, 1935.

Senator Van Zandt presented Hon. J. C. McConnell of Palo Pinto County, who addressed the joint Session and the assemblage, as follows:

Governor Woodul, Mr. Speaker, Members of the House and Senate, Ladies and Gentlemen:

Inasmuch as we have distinguished speakers to follow, I feel sure my few remarks will fall far short of your desires and expectations; and I refrain from matching swords with one of the South's greatest orators, Ex-Governor Pat M. Neff. Nor shall I attempt to scale the high peaks and pinnacles of oratory.

On this occasion, I am sure, it is permissible to refer to different phases and periods of Texas history for the purpose of predicating the signing of the Declaration of Independence.

Cabeza de Vaca, after having his vessel wrecked and demolished by the devastating waves of a wild and surging sea, drifted overland to Old Mexico. Shortly afterward Coronado crossed the Corazones and pushed as far eastward as the Panhandle of Texas. Many other explorers ventured through the portals of the Mexican mountains and passed over the

plains and rolling prairies of each and every part of the State.

Then came the Spanish colonists who carved magnificent old missions, many of which still stand as monuments to a most picturesque and pulsating history. Shortly afterward, the French turned their attention to Texas and claimed its territory.

May I remind you at this moment that for more than two centuries the flags of France, Spain and Mexico were flown and blown in the soft southern breeze.

Being the author of "The West Texas Frontier," having spent many years doing research work among the archives and files in Washington, D. C., here at Austin, and elsewhere, perhaps you will not think I am presumptuous, when I state that I am going to relate a vital part of Texas history not previously published in any of our Texas texts, excepting the above work. A great portion of my information was derived from some unpublished reports made immediately following the Louisiana Purchase, more than one hundred and twenty-five years ago.

When the first American settlers found their way to the West Texas frontier, they soon discovered the

ruins of an old fort standing southward of Red River within Texas territory. Since Texas was formerly under the sovereignty of Spain, these ruins, then old and delapidated, were presumed to be of Spanish origin. As a consequence this early fortification became known as "Old Spanish Fort." While making a personal campaign several years previously, among the surviving old pioneers, for the purpose of gathering data for my history, I heard the name of this post frequently mentioned. But I say its name was certainly a misnomer, for this fortification was established by the French and known as "St. Louis de Carlorette."

Notwithstanding the importance of this post from the standpoint of its early local history, not only was this post the most northern of all the early missions and fortifications established in Texas, but its construction should be of vital importance to all students of Texas history and lovers of Texas liberty, because it was built by the French to help establish their claim to that territory.

During 1718, France declared war against Spain. And the following year the effects of this conflict were noticeable in the colonies of the new world. The French mobilized at Natchitoches in 1719, under the leadership of La Harpe and Louis de St. Dennis. Shortly afterward the Spanish were driven from Adaes, Nacogdoches, and elsewhere. They were pushed back to the post of San Antonio de Bexar.

The same year La Harpe was selected to supervise and manage the construction of "Old Fort St. Louis de Carlorette," many miles, far out on the frontier, and in the present county of Montague.

The burr stones for the old mill, erected at this old post, were shipped from France. When General Parilla led six hundred soldiers and Indians from San Antonio de Bexar and Mission San Saba in 1759 to attack this agency, he was much surprised to find six separate strongly constructed fortifications flying the Flag of France. He also found large fertile fields and several hundred Cad-doan and members of other tribes of Texas Indians. Parilla and his men were badly defeated.

This fort was established by France to help establish her claim to Texas. France felt that Texas rightfully belonged to her not only because of the discoveries of La Salle and other

Frenchmen, but by virtue of the further fact that it was then a rule of international law that when a country owned the land on a stream at its mouth such country also owned all lands on both sides of the stream to its source. And at that time France held undisputed control of the territory on both sides of the Red River near its mouth.

All future historians should incorporate a complete account of old "St. Louis de Carlorette" in all our Texas histories.

Now, let us turn the pages of history to the time when Austin and others planted their little log cabin colonies along the coastal plain of Texas. Shakespeare should have known these early pioneers before he penned his masterpieces of old. The glorious history of Houston, Austin, Bowie, Crockett, Burnett, Rusk and other early Texas patriots as well, should and will ever shine in the halls of fame along with Alexander, Napoleon, Washington and others.

After serving for several years under the Mexican yoke, the early Texans became tired of the tyranny of Santa Anna. And 99 years ago this very day the Declaration of Independence was signed at Old Washington along the banks of the brackish waters of the Brazos; and simultaneously the early patriots and pioneers bravely lifted the flag of the Lone Star State into the balmy southern breezes. On this very day we find encased in the walls of the Capitol the original copy of the Declaration of Independence.

When we recall there were fewer people found in the entire State of Texas 99 years ago than live in Austin today, we marvel at the patriotism and courage of these early pioneer citizens.

Following the Declaration of Independence turbulent times were destined to follow. But I cannot relate the full story. And too, you are already familiar with this part of Texas history. You well know the fate of Fannin and his followers who were massacred near Goliad, after being promised their liberty if they would surrender.

And you will readily recall that horrible catastrophe, the Fall of the Alamo. Blood-thirsty savages often showed the slightest vestige of human sympathy. Santa Anna on this occasion showed none.

To me the story of the Alamo

reads more like tragic literature than Texas history. And the ruins of the remaining old missions impress me more as masterpieces of art, and relics of a gone and almost forgotten civilization. In fact not unlike the pyramids of Egypt and the picturesque old ruins of Greece, Rome and elsewhere, these old missions still stand to bespeak of a former civilization, which bloomed in the wilderness where the great West was truly wild.

Consequently, I do not think of the catastrophe of the Alamo as being a chapter of Texas history, but consider the story of this and other old missions more in the sense of literature.

Then came the decisive battle of San Jacinto. Here the early Texans without necessary arms and ammunition, without funds to purchase the same, defeated several times their number and won for Texas her independence.

I say the annals of all of the world do not disclose a more glorious history than has heretofore been staged in our Lone Star State. Yet Texas history heretofore has not been a part of the curriculum of our schools and colleges. In fact about the only Texas history the average college graduate has had is an elementary course in the sixth grade. We are interested in European and foreign history, it is true, but are we not also interested in the history of our own Lone Star State?

I wish to further emphasize that most of our Texas histories have little to say concerning the many things that transpired long before the beginning of the nineteenth century. But much of this early history has never been published. For there is hidden and concealed in the dusty and dingy old archives of Spain, France and Mexico many documents disclosing the early events in Texas—documents which are hidden treasures, buried in the long ago.

Before I conclude permit me to say we should feel exceedingly proud of the wonderful heritage handed down to us by the early patriots and pioneers of Texas, and I say one of the most priceless of these heritages is the Constitution of the Lone Star State. This document, each and all of us should highly respect and revere; this document we should never ignore; this document we should consider as the bright and burning star of the Lone Star State.

Millions have been spent to perpetuate the memories of distinguished soldiers, their names enshrined in the great halls of fame and their glory engraved on magnificent statues of marble and stone. But what have we done to commemorate the daring deeds of the early pioneers and patriots who blazed the western trails with their own blood and marked the besetting miles with lonely graves of loved ones? This being the 99th anniversary of Texas Independence, have and hold a warm appreciation for their daring deeds of achievement.

Just now we are passing a transitional period of Texas history. But let us build our dreams of the future upon those principles of statesmanship promulgated by these early patriots of the past; and move forward with the same patriotic spirit which prompted Houston, Austin and these early citizens, 99 years ago today, to place a new star in the serene skies of the great Southwest.

Senator Van Zandt presented Senator T. J. Holbrook of Galveston County, who addressed the Joint Session, speaking as follows:

Mr. Speaker, Governor Woodul, Members of the Forty-fourth Legislature, Ladies and Gentlemen:

Standing today at the end of a hundred years, less one, since the founding of the Republic of Texas, and beholding the sunrise of the second century of progress, we have met together to observe this, the most important, of all our anniversaries. The custom of observing such occasions is both ancient and honorable. The day on which a monarch was born or crowned has been deemed of sufficient importance to be celebrated with great pomp and circumstance among the kingdoms of the world.

But the day on which the birth of a nation was declared is far more serious and impressive to its subjects. The recurring days in the calendar on which some important event transpired always call us from our ordinary pursuits and labor that we may suitably commemorate the achievements of the past. These anniversaries, whether observed in simplicity or splendor, become monuments along the highway of history, and inspire mankind to higher and nobler paths of duty. As a traveler notes the figures on the mileposts

and from them learns the distance covered on his journey, the people pause on these important occasions to review the past and from it take lessons for the future.

It is one of the charms of this Republic that, in addition to the common history traditions and institutions of the whole people, each state has its separate history, separate traditions, and separate institutions, which are the peculiar pride of its own citizens. This is especially true of Texas. She has the unique distinction of having lived under six different sovereignties and six different flags have floated over the heads of her people.

Old, when viewed from the standpoint of discovery, she is yet young in her real career, and has just commenced her course of economic and political progress.

She is the only commonwealth in the Union that can boast of having enjoyed at one time an independent existence, and this is the anniversary of a memorable occasion when her declaration and covenant out of which she sprang, came into being.

Race and kinship and a desire for security against subjugation, drove the people of Texas into the American Union, and there is no citizen, I take it, within her borders, who has ever regretted the step; for it has given us rightful participation in privileges and immunities that we otherwise could not have enjoyed. At the same time it has added to the Republic to which we owe allegiance, nearly one-fourth of her gigantic empire.

While we rejoice in these national blessings we can but remember with pride that the traditions and ideals which have inspired and elevated our people are peculiarly our own, and that the institutions to which we are chiefly indebted for our present greatness and future promise are due to the Constitution and laws devised and written by the fathers of a vanished Republic.

Our great institutions of learning, which have risen with such magic suddenness in standards, in prestige, in influence, and numbers are not mere creatures of chance, but are the offspring of consummate wisdom, deliberate purpose, and munificent provisions. All our institutions, whether educations or eleemosynary, lived first in the prophetic vision of

the founders of the Republic of Texas.

The sentiment which prompted you to call this Joint Session of both houses of the Legislature together is patriotic and commendable. It gives you an opportunity to consecrate this anniversary of the birth of the Lone Star Republic with appropriate ceremonies and tributes of love and veneration for those who wrought in the wilderness and laid the foundation upon which you are to build a greater State for the future. Their sacrifices were as severe and unselfish as your opportunities are great and exacting.

Opportunity without gratitude is anomalous, and the tender feelings of gratitude which bring you into harmony with this consecrated recess of praise to the benefactors exemplifies their wisdom and establishes your gratitude to their memory.

It is claimed by some that anniversaries such as this are kept and observed with most favor in extreme youth, and with most form and ceremony in extreme old age. I trust this may not be true, and that the further we are removed in time from the events which we are this day commemorating, the more sincere and tender may be the feelings of our gratitude which the observance shall awaken. In 1835-36 despotism ran riot in the Republic of Mexico, of which Texas was then a part. In this history but repeated itself. Santa Anna, peerless in the savage asperities of autocratic rule, formed the wicked purpose of throttling the spirit of liberty in the proud Empire-Republic over which he had established himself as dictator.

Elevated to power by championing the cause of popular government, this ruthless tyrant began at once to violate the provisions of his own constitution, and substituted a despotic will for laws enacted by the representatives of the people, and later enriched by decrees of the courts. Written grants and warrants solemnly awarded by his imperial government and accepted and acted upon in good faith by the pioneers who came with Austin to establish homes for themselves and their children in what was then a veritable wilderness, not only failed to bind the conscience of Santa Anna, but were craftily used by him to forward his designs against the liberties of the

people they were intended to protect.

Intoxicated with dreams of martial glory and fancied splendors of an empire that would challenge the annals of ancient or modern history for a parallel, this pitiless giant of absolutism stood like a gladiator with his heels upon the helpless, prostrate form of democracy, whose strong arm was wholly responsible for his exaltation, and by whose base treachery evoked the obsequious cheers and acclaims of his enemies—the organized aristocracy of Mexico.

For a long time beguiled by specious promises and studied dissimulations, the Texas Colonies in 1835 seemed for the first time to realize their desperate political situation. They themselves were honest, and made the serious mistake of accrediting their ruler with the same high motives. They belonged to the great Anglo-Saxon race, which for more than three hundred years had championed the cause of constitutional liberty and were incapable of understanding at first how even a tyrant could disregard an ordinance so sacred and so necessary to the happiness and welfare of mankind.

Again they were convinced of the terrors of war. They were the sons and grandsons of revolutionary patriots and soldiers, and were reluctant to exchange the comforts and blessings of peace for the ordeals and dangers of war. Patience and forbearance are racial qualities with the Anglo-Saxon, and the pioneers of Texas in this, as in many other respects, were true to his type.

Home and family meant too much to them to be lightly traded for any kind of venture, and it was not until they were convinced that their homes, their families, their happiness, and their liberties were imperiled that their patience and forbearance reached its limit. The Declaration of Independence by the people of Texas on March 2, 1836, was neither rash nor inconsiderate, but thoroughly and fully justified. It came in the fullness of time, after entreaties had been denied, petitions disregarded, promises violated, and messengers imprisoned.

When all hope of honorable peace was gone and the anguish of suspense was over, these brave men truthfully stated their grievances, declared themselves to be free and

independent of the government under which they had lived, and at last appealed their case to the arbitrament of war.

The day on which the step was taken was momentous to them, and to us. They desired peace, but war was thrust upon them; and when the issue was made they met it with courage and with force.

We have gathered here at this hour to pay tribute to their valor, to revive the memory of their imperishable deeds; to linger awhile upon the battlefields they consecrated with their blood; to rejoice in the victories they won, and to regale ourselves with recollections of their great achievements. We have come to consecrate their memory with our tears, and to feast ourselves upon the unselfish love which prompted them to the glorious deeds they wrought. We have come to recall how the immortal four hundred under Travis and Crockett and Bonham and Bowie could die for liberty in the Alamo; to weep again over the massacre of Fannin and his men at Goliad, and to rejoice in the final victory that was won at San Jacinto.

These heroes of an early day in Texas—these men who, in the wilds and fastnesses of a wilderness made the first track of civilization within the borders of this great commonwealth—deliberately met, and resolutely solved, the problems that blocked their pathway. In their ruggedness and simplicity and in their unswerving devotion to duty and right, we find a lesson that we may well carry into our lives and conduct to the end that we, too, may unselfishly respond to the divine purpose of life, and correctly solve its mighty problems. We should remember that as a race we rise upon our "dead selves to higher things." Each generation in its turn places its beads of truth or error—bright or dull, whole or broken, solid or hollow—upon the string of purpose which holds this universe together. There may indeed be a few broken beads—some may be shapeless and out of harmony with those they touch on either side—but the thread on which they are strung is always the same, is always straight, and runs its even length throughout the years. If one generation should fail by carelessness or mistake to do well the work which has been committed to

its care, there will be want of harmony with the generation that precedes and the one that follows them. It is for that reason important that we should discharge the duties and responsibilities of our day that we may not break the harmony in the great scheme of human progress.

On this day, ninety-nine years ago, our forefathers met and covenanted among themselves for the beginning of a new nation, and they, by their intrepid valor, and by suffering and death, established that covenant before the nations of all the world. They could not finish the work they had thus begun within the span of their lifetime; for states have decades for their cradles and centuries for their maturity.

The problem of the pioneers of Texas was to lay the foundation of the State; ours is to erect a fine temple upon it as a superstructure. Theirs was the problem of war with its perils and sufferings upon the battlefields, while Mars frowned down upon them his terrors; ours are the problems of peace, to be solved in the schools, the homes, the shops, the fields, the studios and offices of civic life, by assiduous, industrious toil, surrounded with the tranquility and charm of a peaceful people, with the smiles of the Pleiades resting upon our efforts.

Magna Charta was forced from the unwilling hand of a king, in order that representative government with religious liberty might be established as a first principle among Anglo-Saxon people. But the enemies of law and order still live and insidious agencies are secretly assailing the stability of our institutions. Anarchy is still on the earth and broods over the chaos of political confusion while hatching out an abundant progeny of treason and criminal pestilence.

The simple customs and habits of the fathers appear gradually to be giving away to the seductive influence of wealth and luxury. Frivolous idleness, fostered by riches in the hands of misguided parents, is robbing our young men of their strength, and our young women of their modesty. True character with the ruggedness and power so apparent in our pioneer life is fast surrendering to the refinements and forms of pleasure. The tinsel and glare, and pomp and splendor of the

day are making inroads into the social strongholds of our domestic life, and as a Nation we are being swept from the moorings of our original simplicity.

Political graft has in some instances fastened itself like a festering sore upon divisions of our government, and the funds of the people are being wrongfully diverted from the channels of government into the pockets of racketeers and grafters.

To remove this corrupt influence and to correct this evil, without doing hurt to the elective franchise, is an unsolved problem to which the best efforts of legislators in the State assemblies and in the National Congress should be directed. Behold the enforcement we have witnessed in the recent past, of an effort on the part of the National Government to thwart the power of the trust by substituting alphabetical codes, and in the wake of this effort we have witnessed failure. These trusts and combines have, under the express terms of the law, used the codes to establish an aristocracy of wealth, which, if it remains unchecked, will usurp the elective franchise, and on the ruins of a despoiled democracy build a government wholly destitute of right and liberty, and one whose only aim shall be the enrichment of its founders and their beneficiaries, to the detriment of the masses.

To reset, regulate and readjust these ponderous industrial machines of the day, and direct their mighty power to the promotion of the general welfare, is an unsolved problem which is demanding, and shall continue to demand, your undivided attention. It is to be noted that capital and labor are still at war, each striving with unbated zeal for mastery over the other. To arbitrate, to reconcile their differences in fairness and justice to both, so that the one shall not be dispossessed of its holdings, nor the other reduced to peonage, is an unsolved problem pressing more and more upon your time for proper solution.

These are but a few of the many and varied problems that confront us, and when we review and duly consider their importance, we are forced to conclude that while the troubles of the founders of our State were grave and serious, those that are left to us are weighty and momentous.

If I mistake not we, as Texans, today should be as alert as our fathers were in meeting and overcoming the difficulties stretching out before us. We are in the very pathway of the Nation's future commerce and industrial progress. Our products already reach an annual value of several hundred millions of dollars, and this sum should be increased as time goes on. These items are composed mostly of raw materials, such as natural resources and unfinished products. If you add to this the multiplied value which will come in the future from factories, you may catch a glimpse of the marvelous possibilities of our State in the future. Our hidden treasures in the form of gas, oil and other minerals, are coming forth from their hiding places to the enrichment of our citizens, the delight of commerce, and the advancement of business. The white wings of commerce have long hovered over the bosom of our southern seas, and the argosies of trade add to the commerce of our ports. The magic influence of international traffic should be kept constantly before us and our goods should find a ready market in every trade mart of the world.

We have our history, and it is splendid and inspiring. At Goliad, in the Alamo, and at San Jacinto, our forebears proved themselves worthy of enrollment among the mightiest heroes of history, and we as their sons and daughters can ill afford to be satisfied with less distinction than that which they possessed, and which was left us as a rich heritage. We should be content with nothing less than a factory in every village, that we may manufacture into cloth the cotton we produce, the fruits of our soil for food and raiment, not for ourselves alone but for the untold millions of the earth who are already welcoming these harbingers of peace and comfort into their simple homes.

Every Texan should look forward in yearning expectation to the day when the song of the loom and the spinning wheel in our abiding places of industry, shall chime in with the sweet notes of the mocking bird, and together blend in the gentle and sublime minstrelsy of peace, happiness and prosperity. There shall be no end to the work that lies out before us. One achievement shall lead to another a little above it, and the

endless stairway of progress shall reach on from generation to generation.

Science is in its infancy, learning is possessed of perpetual youth, and the miracles of invention are sleeping all around us, waiting to be touched to life by the hand of genius. The field is yet new, the world is young and unsubdued, and the great commission is yet unperformed. Edison, Telsa and Marconi have but preached in the wilderness of science, and I am persuaded to believe that one greater than they shall yet arise in the fullness of time, and whose deft brain shall call to life myriads of sleeping energies within the confines of Texas to bless the hopes and brighten the pathway of those who shall in distant times and under other skies shall strike for freedom.

It is a singular and dissatisfying circumstance that free government have never endured for long among the children of men. They have each and all of them, except this Republic, sooner or later disappeared before the ambition of those entrusted with power, or through the apathy or indifference of the people who composed them.

This Union of States, with their glorious history, may in the end disintegrate, as has been the lot of great republics in the past. We devoutly pray that it may be so, and that it will endure forever, to bless the human race, but if, in the providence of God, dissension and utter ruin shall overtake our National Government, Texas at least should remain true to the traditions our fathers left us.

Let us keep fresh in the minds of our children the sacrifices and heroisms of the mighty men who founded our State, and as often as this anniversary shall recur let us observe it with joy and thanksgiving. Let the Declaration of Independence be read in the home and in the school; and the Constitution which followed it be regarded as a chart of indispensable liberty. Then if some evil fortune shall ever dissolve the Union, let Texas, one and indivisible, from the mountains to the sea, and in all her vast circumference, remain a place of refuge from tyranny to our offspring, forever, and forevermore.

Hon. Oran R. Van Zandt presented Hon. James V. Allred, Governor of Texas, who addressed the Joint Ses-

sion and introduced Hon. Pat M. Neff, President of Baylor University, Waco.

Mr. Neff addressed the Joint Session and assemblage.

[Note.—The copy of address by Hon. Pat M. Neff is not available at this time.]

THIRTY-FOURTH DAY.

Senate Chamber,
Austin, Texas,
March 4, 1935.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll call disclosed a quorum, the following Senators being present:

Blackert.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Hughston.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.
Pace.	

Absent—Excused.

Beck.	Fellbaum.
Burns.	Martin.
Davis.	Oneal.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Hill.

Senators Excused.

The following Senators were excused on account of important business:

Senator Burns, on motion of Senator Hill.

Senator Davis, on motion of Senator Rawlings.

Senator Beck, on motion of Senator Pace.

Senator Martin, on motion of Senator Blackert.

Senator Fellbaum was indefinitely excused on account of sickness.

Committee Reports.

(See Appendix.)

Minutes of Committee Meetings.

(See Appendix.)

Bills and Resolutions.

Senate Bill No. 369.

By Senator Holbrook:

S. B. No. 369, A bill to be entitled "An Act making an appropriation to be paid out of the General Revenue Fund of the State of Texas the sum of six thousand one hundred forty-eight dollars and eighty cents (\$6,148.80) not otherwise appropriated, to cover taxes due by the State of Texas to the Sugar Land Independent School District covering the years from 1918 to 1927, inclusive; and declaring an emergency."

Read and referred to the Committee on Financial Affairs.

Senate Bill No. 370.

By Senator Collie, by request:

S. B. No. 370, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits a city or town which according to the latest Federal census had a population of not fewer than 7,550 and not more than 7,580, whether organized under general or special law, repealing all laws in conflict herewith, both general or special, and declaring an emergency."

Read and referred to the Committee on Educational Affairs.

Senate Bill No. 371.

By Senator Rawlings:

S. B. No. 371, A bill to be entitled "An Act to amend Section 5, Chapter 282, page 507, General Laws Regular Session Forty-second Legislature, and declaring an emergency."

Read and referred to the Committee on State Highways and Motor Traffic.

Senate Bill No. 372.

By Senator Rawlings:

S. B. No. 372, A bill to be entitled "An Act to amend Section 13a, Acts of the Forty-first Legislature, Regular Session, page 298, Chapter 314, as amended by the Acts of the Forty-second Legislature, Regular Session, page 480, Chapter 277, Section 14; and declaring an emergency."